



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/798,703 02/12/97 HICKMAN

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WM02/0327

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EXAMINER

LE, D

ART UNIT

PAPER NUMBER

15

2184  
DATE MAILED:

03/27/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/198,703

App. it(s)

HICKMAN et al.

Examiner

DIEU-MINH LE

Group Art Unit

2184

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 02/07/01
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1, 21-41 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 21-41 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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**Part III DETAILED ACTION**

1. This Office Action is in response to the amendment filed February 07, 2001 in application 08/798,703.

**Drawings**

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

**Specification**

3. Claims 2-19 have been canceled, claim 1 is again presented for examination and claims 21-41 have been added.

**Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103<sup>®</sup> and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 21-41 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Barrett et al. (US Patent 5,568,612 hereafter referred to as Barrett) in view of Doyle et al. (US Patent 5,838,906 hereafter referred to as Doyle).

As per claim 1:

Barrett substantially teaches the invention. Barrett teaches:

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- a system for accessing a computer over a TCP/IP protocol network [fig. 1, col. 30, lines 30, 45];

- an advertising publisher computer connected to said network which receives advertising information about at least the availability of host computer [abstract, col.2, lines 14-19, col.6, lines 14+, col.57, lines 1-10];

- a client computer operative to receive the advertising information and then control a selected host over the network [abstract, col.2, lines 30-48].

Barrett does not explicitly teach:

- at least one host computer connected to a TCP/IP protocol network that is capable of being remotely controlled by a client computer.

However, Barrett does disclose capability of:

- remotely controlling a manually operable function of a networked printer through an interactive network board having a LAN interface for LAN communication [col. 20, lines 57-60].

Doyle explicitly discloses:

- host computer connected to a TCP/IP protocol network [col.1, lines 45-60] that is capable of being remotely controlled

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by a client computer [fig.5, col.8, lines 56-67, col.9, lines 1-14].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the client/host systems having a advertising publisher as disclosed by Barrett to include at least one host computer connected to a TCP/IP protocol network as taught by Doyle in supporting the overall system communication access between remote user and the main host computer (i.e., data base server, other data computer system).

This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to provide the client/server computer system with a mechanism to enhance the system access, more specifically in allowing the remote computer or client to access the host computer to conducting task specific.

As per claims 21-22:

Barrett explicitly teaches the use of an Internet protocol suite for the network [col. 7, lines 25-28];

Doyle also teaches:

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- The Internet is to provide an "open distributed hypermedia system [col. 5, line 24].

As per claims 23-25:

Barrett explicitly teaches:

- advertising publisher computer creates a list of available host computers [col. 12, table 2];

Barrett does not explicitly teach:

- a web page accessible via the network.

Doyle explicitly discloses:

- a client/server computer system [abstract, fig.5];  
- a web browser program running on the client/server computer system [col. 9, lines 15-25].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the client/host systems having an advertising publisher as disclosed by Barrett to include explicitly the web browser as taught by Doyle in supporting the overall system communication access between remote user and the main host computer (i.e., data

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base server, other data computer system) for the same reasons set forth in paragraph above.

As per claims 26-27:

Barrett explicitly discloses:

- a client/server computer system [col. 14, lines 2-5].
- information about the poster and passwords defined within the clients/server environment [col. 12, lines 19-25].

As per claims 28-31:

Doyle explicitly discloses:

- one web page having HTML code to the advertising publisher [col. 2, lines 44+; col.5, lines 30+].

As per claims 32-36:

Due to the similarity of claims 32-36 to claims 1, 21-31 except for a method steps for choosing a host machine coupled to a wide area network (i.e., providing advertisement, sending selection information, establishing a connection, etc. ) instead of a system for accessing a computer over a network; therefore, these claims also rejected under the same rationale applied against claims 1, 21-31.



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As per claims 37-41:

These claims encompass the same scope as claims 32-36 and are rejected for the reasons given in paragraph above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. A shortened statutory period for response to this action is set to expired THREE (3) months, ZERO days from the date of this letter. Failure to respond within the period for response will cause the application to be abandoned. 35 U.S.C. 133.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh Le whose telephone number is (703) 305-9408. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel, can be reached on (703)305-9713. The fax phone number for this Group is (703) 305-9724.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

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(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-9724 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).



**DIEU-MINH THAI LE**  
**PRIMARY EXAMINER**  
**ART UNIT 2184**

DML

March 23, 2001